



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** June 2, 2016

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Robert Price, Assistant Planner

**Subject:** **Lisa Wilcox and Tonia Monfaddal, The Fig and the Olive, LLC. (applicant) and Hotel At Daniel Webster, LLC. (owner)** – Review for acceptance and consideration of a waiver of full site plan review for a restaurant/cafe bakery market business. The parcel is located at 246 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 005-01.

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### **Background**

Map 3D-2, Lot 005-01 is located at 246 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. The parcel is approximately 6 acres in size, is serviced by public water (MVD) and sewer. It is abutted by the Everett Turnpike to the west, a defunct gas station and Raisanen Landscaping to the north, a small apartment building and the GT Solar property to the east, and Comfort Inn to the south.

The applicant is seeking a waiver of full site plan review to permit the operation of a restaurant/café/bakery within the existing gatehouse on the above-referenced property. The space they propose to occupy consists of approximately 1,500 square feet. Paperwork submitted with the application indicates that the applicant plans to serve both hotel guests and the general public. They would utilize existing infrastructure, equipment and furniture.

A new 18" x 27" ground sign is being proposed. The allowable signage area has already been completely consumed by the hotel use, so any additional signage would require variance(s) from the Zoning Board of Adjustment.

### **Completeness**

**Staff recommends that the Board vote to accept the application**, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

### **Waivers**

The applicant has requested a waiver of full site plan review. The applicant is not requesting any additional waivers at this time, however should any be requested, staff recommends *that they be provided in writing to the Board*, and that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**

- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**Parking**

The proposed business would require a total of 15 parking spaces and there are in excess of 100 on site. A business similar to this was contemplated in the original design of the site as evidenced by the existing infrastructure. The only change taking place is that the food service will be a separate entity rather than under the hotel's umbrella.

**Recommendation**

**Staff recommends that should the Board grant conditional final approval to the application, it is granted with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain any required State approvals/permits as may be applicable (including but not limited to revising the NH DOT Driveway permit), note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
5. The applicant shall address the following comments from the Public Works Department:
  - a. Applicant shall add a note to the plan indicating any work within the public right-of-way will require a permit from the New Hampshire Department of Transportation, District 5.
6. The applicant shall address the following technical comments from Planning staff:
  - a. Notes shall be revised, added to annotated site plan and signatures updated on annotated site plan.

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. The applicant shall address the following comments from the Wastewater Division:
  - a. A properly sized and functioning grease trap shall be in use prior to final approval.
2. The Building Department notes that the requirements of the most recently-adopted building, fire safety and electrical codes will be enforced.

Cc: Planning Board File  
Correspondence

Ec: Lisa Wilcox, The Fig & The Olive  
Tonia Moufaddal, The Fig & The Olive  
Building Department Staff  
John Manuele, Merrimack Fire Department

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